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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,599	01/23/2002	Scott C. Harris	Visual-Dbase	6412
23844	7590	02/23/2005	EXAMINER	
SCOTT C HARRIS P O BOX 927649 SAN DIEGO, CA 92192			HALIM, SAHERA	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,599

Applicant(s)

HARRIS, SCOTT C.

Examiner

Sahera Halim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show reference number **106** as described in the specification page 3. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crill et al. U.S. Pat. No. 6,445,822 (hereinafter Crill).

4. Reference to claim 1, Crill teaches a system, comprising:

a client which allows entry of image information (col. 5, line 10 – 30 and Fig. 1, numeral 102, Crill teaches in step 102 creating search images that the user wants to search), and

a server, including a database associated with the server, said server connected to said client to receive said image information (col. 5, lines 34 – 37, Crill teaches candidate images maybe located on one or more centralized or distributed application servers, database servers, website servers or other devices) and using said image information to search said database associated with the server which meet criteria specified in said image information (col. 5, lines 9 – 30 and Fig. 1 and 2, Crill teaches comparing reference image with candidate image) and forming search results based on said image information

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(Fig. 1, numeral 108 and col. 5, lines 22 – 25, 108 provides to the user the results of comparison and the degree of matching and correlation).

Although the system disclosed by Crill shows substantial features of the claimed invention (discussed above), it fails to explicitly teach that the sever for items to be purchased. Nonetheless these limitations are well known in the art and would have been an obvious modification of the system disclosed by Crill as evidenced by Crill's background. Crill teaches in the background of his invention that companies maintain or keep databases of images relating to the manufacture, assembly, and maintenance of products the company develops and sells (col. 1, line 26 – 37). Given the teachings of Crill, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying by enabling the server to include items to be purchased in order to expand the systems usability.

5. Regarding 10, Crill teaches a method, comprising:

entering image information to a client on the network (col. 5, line 10 – 30 and Fig. 1, numeral 102, Crill teaches in step 102 creating search images that the user wants to search); and

sending said image information to a server on said network and using said image information to search database information on said server on said network (col. 5, lines 34 – 37, Crill teaches candidate images maybe located on one or more centralized or distributed application servers, database servers, website servers or other devices and see col. 5, lines 9 – 30 and Fig. 1 and 2, where Crill

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teaches comparing reference image with candidate image)); and returning search results from said server to said client (Fig. 1, numeral 108 and col. 5, lines 22 – 25, 108 provides to the user the results of comparison and the degree of matching and correlation). Nonetheless, Crill fails to teach returning search results from said server to said client included price information associated with items in said search results. However, it would have been obvious for a person having ordinary skill in the art at the time of the invention to include price information because it would allow the system disclosed by Crill to be used in an e-commerce environment.

6. Reference to claim 2, Crill teaches wherein said client allows forming initial image information, and subsequently setting parameters associated with said initial image information using a user interface (see col.6, line 56 – 30).

7. As to claims 3 and 13, Crill teaches wherein one of said parameters associated with said image information includes exclusion information to exclude from said search results, and said server forms said search results which do not include said exclusion information (see col.7, line 17 – 31, when cropping the image, it is excluding).

8. Regarding claims 4 and 12, Crill teaches, wherein one of said parameters includes a selection of a more important image portion, which is more important than other image portions, and said client forms search results which are

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weighted according to said more important image portion (see. Col. 18, line 63 – col. 19, line 11).

9. Regarding claims 5 and 15, Crill wherein one of said parameters includes an image size, and said client forms search results which only include results having said specified image size (col. 7, line 17 – 31).

10. As to claim 6, Crill teaches a system as in claim 2, wherein said client includes a scanner to allow entry of said initial image information (col. 6, line 56 – 66).

11. Reference to claim 7, Crill teaches a system as in claim 2, wherein said client includes a tablet to allow entry of said initial image information (col. 6, line 56 – 66).

12. As to claim 8, Crill teaches a system as in claim 2, wherein one of said parameters associated with said image information includes a color, and said server operates to find items based on said color information in addition to said image information (col. 7, line 1 – 16)

13. Regarding claim 9, Crill does not explicitly teach wherein said server is associated with an electronic commerce site, and said search results include price information for items associated with said search results. However, it would have been obvious for a person having ordinary skill in the art at the time of the

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invention to include associating the server with an electronic commerce site and include price information for items associated with search results because it would allow the system disclosed by Crill to be used in an e-commerce environment.

14. Claim 11, has similar limitations as to claim 2, therefore, it is rejected under the same rational of claim 2.

15. As to claim 14, Crill discloses a method as in claim 13, wherein said exclusion information includes image information (see col.7, line 17 – 31).

16. Reference to claim 16, Crill teaches a method as in claim 11, further comprising displaying said image information as part of a graphical user interface, and using said graphical user interface to enter said parameters (Fig. 2 and col.. 6, line 56 – col. 7, line 16).

17. Claim 17 has similar limitations as to claims 1 and 10 and although claims 1 and 10 are not identical of claim 17, claim 17 does not further teach or differ over the limitations thought by claims 1 and 10. Therefore, claim 17 is rejected under the same rational as claims 1 and 10.

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18. Regarding claim 18, Crill teaches wherein searching image information includes an image, and additional information about the searching, in addition to said image (col. 6, line 56 – 31).

19. Claim 19 has the same limitations as claims 3 and 13, thus it is rejected under the same rational.

20. Claim 20 has the same limitations as claim 8; therefore, it is rejected under the same rational.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S Pat. No. 5,734,893 to Li et al

U.S Pat. No. 6,240,424 to Hirata

U.S. Pat. No. 5,586,197 to Tsujimura et al.

U.S. Pat. No. 5,802,361 Wang et al.

U.S. Pat. No. 5,793,888 to Delanoy

U.S. Pat. No. 5,911,139 Jain et al.

U.S. Pat. No. 5,761,655 to Hoffman

U.S. Pat. No. 5,893,095 to Jain et al.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (703) 305-8054. The examiner can normally be reached on M-F from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sahera Halim
Patent Examiner
AU. 2157

February 19, 2004


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER